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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051170
Party	Defendant O2 HOLDINGS LIMITED
Correspondence Address	Linda Jurth 575 Route 28, Suite 102 Raritan, NJ 08869 UNITED STATES
Submission	Reply in Support of Motion
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Date	08/24/2009
Attachments	reply to Request for extension of time to file answer.pdf (7 pages)(126768 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

O2Micro International Ltd.	Cancellation No. 92051170
Petitioner,	Mark: O2
v.	Reg. No. 2231093
O2 Holdings, Ltd.	
Registrant.	

**REPLY TO PETITIONER’S OPPOSITION TO REGISTRANT’S
REQUEST FOR EXTENSION OF TIME TO FILE ANSWER
TO NOTICE OF OPPOSITION**

Registrant, O2 Holdings Ltd. (“O2 Holdings”) hereby replies to Petitioner’s, O2Micro International Ltd. (“O2Micro”), opposition to Registrant’s request for an extension to time to file an Answer.

Petitioner’s bad faith, combative opposition against a mere 30-day extension of time demonstrates that it will be uncooperative at every stage of this proceeding. Never have the attorneys for Registrant encountered another attorney who opposed a request for such a short extension of time where settlement negotiations were soon to commence. To burden the Board with such a meaningless response is a waste of judicial resources, gains nothing and is sanctionable (however, no sanctions are requested at this time).

Petitioner wrongfully twists Registrant’s words. Registrant’s attorneys did in fact receive final instructions from Registrant a few days prior to filing its motion. Prior to that time,

Registrant delayed its decision to file the motion, hoping that in light of pending settlement discussions, Petitioner would agree to suspend the proceedings.

Attached as Exhibit A is a letter dated August 7, 2009 that Registrant received from Marc F-X Groebl, one of Petitioner's foreign attorneys, the same attorney who submitted the declaration attached to Petitioner's Response. In this letter, Mr. Groebl states that the initial conversation regarding possible settlement took place as early as July 16, 2009. Mr. Groebl then suggested that Registrant submit a worldwide settlement proposal. Mr. Groebl also states that Petitioner prefers that the trademark dispute is settled amicably. However, when Petitioner's U.S. attorneys refused to suspend the proceedings, it was obvious to Registrant that the U.S. attorneys would not be cooperative. Then, Registrant decided to file its request.

Petitioner is disingenuous to suggest that it was not "cognizant of a desire to commence substantive discussions" before the date on which the Answer was due. Petitioner was in fact cognizant that it had expressed the desire for a worldwide proposal of settlement. There was no date certain when Registrant would offer such a proposal, but certainly any such settlement would include the issues presented in the U.S.

Registrant's good cause request for an extension of time to file an answer was based on Petitioner's request for an offer. Its motion was appropriate in these circumstances. Many requests for extensions of time to file an answer are based on such facts. Petitioner sought to avoid the costs to the parties and the valuable time of the Board by suspending the proceedings while the parties attempted to hammer out an agreement. Petitioner should not attempt to besmirch Registrant by suggesting otherwise.

Petitioner's U.S. attorneys are not acting in the best interests of their client who have stated that they would like for the dispute to be settled amicably. Instead, they responded by taking a hostile, accusatory position on the eve of a settlement proposal and at the outset of litigation. Such initial requests for extensions of time are liberally granted especially in situations like these where negotiations are pending. Petitioner's action in opposing Registrant's motion suggests that either it is trying to gain an upper hand or that its U.S. attorneys are trying to increase their billing. Its response serves no useful purpose. By the time the Board renders a decision, thirty days will probably have expired.

Registrant hopes it will be unnecessary, but will soon be preparing its discovery requests. After being shown such lack of professional courtesy by Petitioner's attorneys, Registrant will be hard pressed to consent to any request by Petitioner for similar courtesies either during discovery or thereafter. Registrant hopes that the proceedings will continue more amicably going forward.

Registrant thanks the Board for its patience and requests that the Board grant its motion in its entirety.

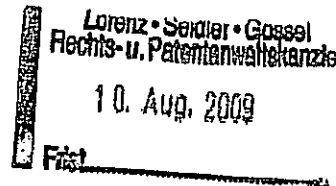
Dated: August 24, 2009

/s/Linda Kurth
Stephen L. Baker
Linda Kurth
Attorneys for Applicant
575 Route 28, Suite 102
Raritan, New Jersey 08869

Exhibit A

**Via Facsimile: (089) 29010-100
And Confirmation Copy**

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August 7, 2009

**O2 Holdings Ltd. ./ O₂ Micro International, Inc.
Possible Worldwide Coexistence Agreement
Your Ref: 02502-08 NE/cu**

Dear Colleague Dr. Neuwald,

I would like to pick up our conversation at the conclusion of the oral hearing with the District Court of Hamburg on July 16, 2009 again. I invite your client to submit to us its first proposals for a possible worldwide coexistence agreement of the parties. ←

As you will remember, the Court concluded the oral hearing with the remark that it deems a worldwide coexistence agreement for such scenario to be in the best interest of both parties. I was frankly surprised to learn from you that O2 Holdings is welcoming such negotiations, following its application for an ex parte preliminary injunction. You informed me about the strategy of your client in this respect.

Given the worldwide coexistence situation of our parties with different priorities, and given the deviating courses of business of the respective enterprises of our clients, I deem it most effective as a first step that your client familiarizes my client with its outline and general thoughts on this issue on a broad and open basis.

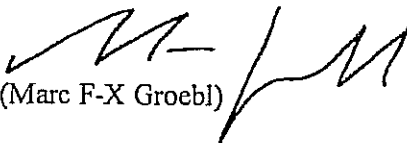
At the same time, please rest assured that my client will defend its current legal position wherever necessary and I am therefore instructed to appeal the decision of the District Court of Hamburg. Nevertheless, my client welcomes your proposals and would also prefer – if at all possible – that this trademark dispute is settled amicably. ←

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I suggest that you consult with your client and revert to us with the first proposals of O2 Holdings in English at your convenience.

Sincerely yours,


(Marc F-X Groebl)

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Reply to Petitioner's Opposition to the Request for an Extension of time to answer the Petition to Cancel, in re: O2Micro International, Ltd. v. O2 Holdings, Ltd., Cancellation No. 92050117, was forwarded by email and first class postage pre-paid mail by depositing the same with the U.S. Postal Service on this 5th day of August, 2009, to the attorney for the Petitioner at the following address:

Teresa C. Tucker
Grossman, Tucker, Perreault & Pfleger, PLLC
55 S. Commercial Street
Manchester, NJ 03101
ttucker@gtpp.com

/s/Linda Kurth
Linda Kurth

DATED: August 24, 2009
